

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA**

HAROLD J. JOHNSON,	)	
	)	
Petitioner,	)	
vs.	)	Case No. CIV-11-1187-HE
	)	
ROBERT EZELL, Warden,	)	
	)	
Respondent.	)	

**ORDER**


Petitioner, a state prisoner appearing *pro se*, has filed a 28 U.S.C. § 2254 petition for writ of habeas corpus together with a motion for leave to proceed *in forma pauperis* and supporting affidavit. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Doyle W. Argo. Judge Argo recommended that petitioner's motion to proceed *in forma pauperis* be denied and that the petition be dismissed without prejudice if the \$5 filing fee was not paid. Report and Recommendation [Doc. #13]. Objections to Judge Argo's Report and Recommendation were due by January 4, 2012, as was the payment of the filing fee.

Petitioner has neither filed an objection nor paid the filing fee. By failing to object to the Report and Recommendation, petitioner has waived his right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the court

**ADOPTS** Judge Argo's Report and Recommendation [Doc. #13]. Petitioner's motions to proceed *in forma pauperis* [Doc. Nos. 8 & 10] are **DENIED** and the petition is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 17th day of January, 2012.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE